

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

Ramon Boyce,

Petitioner,

v.

**Case No. 3:21-cv-216
Judge Thomas M. Rose**

Warden, Ross Correctional Facility,

Respondent.

DECISION AND ENTRY ADOPTING SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE MERZ (ECF 91), SUPPLEMENTAL REPORT AND RECOMMENDATIONS (ECF 86), AND SECOND SUBSTITUTED REPORT AND RECOMMENDATIONS (ECF 71), AND OVERRULING PETITIONER'S OBJECTIONS TO SECOND SUPPLEMENTAL REPORT AND RECOMMENDATIONS (ECF 98), PETITIONER'S OBJECTIONS TO SUPPLEMENTAL REPORT AND RECOMMENDATIONS (ECF 89), AND PETITIONER'S OBJECTIONS TO SECOND SUBSTITUTED REPORT AND RECOMMENDATIONS (ECF 76), DENYING PETITION FOR WRIT OF HABEAS CORPUS, (ECF 1), AND TERMINATING THE INSTANT CASE.

Pending before the Court are Petitioner's Objections to Second Supplemental Report and Recommendations (ECF 98), Petitioner's Objections to Supplemental Report and Recommendations (ECF 89), and Objection to Magistrate's Report and Recommendations. (ECF 76).

Magistrate Judge Michael R. Merz's Second Substituted Report and Recommendations (ECF 71), Supplemental Report and Recommendations (ECF 86), and Second Supplemental Report and Recommendations (ECF 91), all recommend denying Petitioner's Petition for Writ of

Habeas Corpus, (ECF 1), and denying permission to proceed *in forma pauperis*.

As required by 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72(b), the Court has made a *de novo* review of the record in this case. Upon said review, the Court finds that Petitioner's objections, (ECF 76, 89, 98), to the Magistrate Judge's Report and Recommendations, (ECF 71, 86, 91), are not well taken and they are hereby **OVERRULED**. The Magistrate Judge's Report and Recommendations, (ECF 71, 86, 91), are **ADOPTED**. Wherefore, the Court **DISMISSES** the Petition (ECF 1) **WITH PREJUDICE**. Because reasonable jurists would not disagree with this conclusion, Petitioner is denied a certificate of appealability and the Court certifies to the Sixth Circuit that any appeal would be objectively frivolous and therefore Petitioner should not be permitted to proceed *in forma pauperis*. The Clerk is **ORDERED** to terminate the instant case.

DONE and **ORDERED** this Wednesday, September 27, 2023.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE